

Revised: 06/20/08	ARIZONA DEPARTMENT OF EDUCATION  GUIDELINE & PROCEDURE	NO.      EX - 11
SUPERSEDES: 5/08 & Prior		SHEET      1      of      8 (See attached)
SUBJECT: ESS- Federal Individualized Education Program (IEP)		FILING INSTRUCTIONS (Guidelines & Procedures Manual) Section:    External As item:    EX - 11

## I. PURPOSE

- The public agency shall ensure that an IEP is developed and implemented for each eligible child served by the public agency and for each eligible child placed in or referred to a private school or facility by the public agency in accordance with §300.320-325 of the IDEA regulations.

## II. GUIDELINE/PROCEDURE

- See Attached

LOCATOR	YES/NO	<b>INDIVIDUALIZED EDUCATION PROGRAM (IEP) Policy &amp; Procedure Checklist</b>
		<b>POLICY</b>
		The public agency shall ensure that an IEP is developed and implemented for each eligible child served by the public agency and for each eligible child placed in or referred to a private school or facility by the public agency in accordance with §300.320-325 of the IDEA regulations.
		<b>PROCEDURES</b>
		<b>§300.320 CONTENTS OF THE IEP</b> 1) The contents of each IEP will include a statement of: <ul style="list-style-type: none"> <li>a) The child's present levels of academic achievement and functional performance, including: <ul style="list-style-type: none"> <li>i) how the child's disability affects the child's involvement and progress in the general curriculum; or</li> <li>ii) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;</li> </ul> </li> <li>b) Measurable annual goals, including academic and functional goals designed to: <ul style="list-style-type: none"> <li>i) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and</li> <li>ii) meet each of the child's other educational needs that result from the child's disability;</li> <li>iii) for children with disabilities who take alternate assessments (AIMS A) aligned to alternate achievement standards, a description of benchmarks or short-term objectives;</li> </ul> </li> <li>c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;</li> <li>d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, the program modifications or supports for school personnel that will be provided to enable the child: <ul style="list-style-type: none"> <li>i) to advance appropriately toward attaining the annual goals;</li> <li>ii) to be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.</li> </ul> </li> <li>e) The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;</li> </ul>

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		<ul style="list-style-type: none"> <li>f) Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments;</li> <li>g) If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why: <ul style="list-style-type: none"> <li>i) the child cannot participate in the regular assessment; and</li> <li>ii) the particular alternate assessment selected is appropriate for the child;</li> </ul> </li> <li>h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.</li> <li>i) Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, and updated annually, the IEP will also include a statement of <ul style="list-style-type: none"> <li>i) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills;</li> <li>ii) transition services (including courses of study) needed to assist the child in reaching those goals.</li> </ul> </li> <li>j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.</li> </ul>
		<p><b>§300.321 THE IEP TEAM</b></p> <ul style="list-style-type: none"> <li>1) The IEP team for each child with a disability will include: <ul style="list-style-type: none"> <li>a) The parents of the child;</li> <li>b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);</li> <li>c) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;</li> <li>d) A representative of the public agency who: <ul style="list-style-type: none"> <li>i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;</li> <li>ii) is knowledgeable about the general education curriculum; and</li> <li>iii) is knowledgeable about the availability of resources of the public agency;</li> <li>iv) may be a public agency team member described in (b) through (f) if the above criteria are met.</li> </ul> </li> <li>e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f).</li> <li>f) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>g) Whenever appropriate, the child with a disability.</li> <li>h) A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals; <ul style="list-style-type: none"> <li>i) if the student does not attend the IEP meeting, the public agency will take other steps to ensure that the student's preferences and interests are considered.</li> </ul> </li> <li>i) To the extent appropriate and with consent of the parents or the adult child, the public; <ul style="list-style-type: none"> <li>i) agency will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services</li> <li>ii) for a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.</li> </ul> </li> </ul>
		<ul style="list-style-type: none"> <li>2) A member of the IEP team described in (A)(2) through (A)(5) is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.</li> <li>3) A member of the IEP team described in (A)(2) through (A)(5) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent, in writing and the public agency consent to the excusal, and the member submits, in writing to the IEP team, input into the development of the IEP prior to the meeting.</li> <li>4) In the case of a child previously served by AzEIP, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services.</li> </ul>
		<p><b>§300.322 PARENT PARTICIPATION</b></p> <ul style="list-style-type: none"> <li>1) The agency will take steps to ensure parent(s) of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by: <ul style="list-style-type: none"> <li>a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and</li> <li>b) Scheduling the meeting at a mutually agreed on time and place.</li> </ul> </li> <li>2) The meeting notice will: <ul style="list-style-type: none"> <li>a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and</li> <li>b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).</li> </ul> </li> <li>3) Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:</li> </ul>

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		<ul style="list-style-type: none"> <li>a) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;</li> <li>b) Indicate that the agency will invite the student</li> <li>c) Identify any other agency that will be invited to send a representative.</li> <li>4) If neither parent can attend, the public agency will use other methods to ensure parent participation, including individual or conference telephone calls.</li> <li>5) A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency will maintain a record of its attempts to arrange a mutually agreed on time and place, such as: <ul style="list-style-type: none"> <li>a) Detailed records of telephone calls made or attempted and the results of those calls;</li> <li>b) Copies of correspondence sent to the parents' and any responses received; and</li> <li>c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.</li> </ul> </li> <li>6) The public agency will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.</li> <li>7) The public agency will give the parent a copy of the child's IEP at no cost to the parent.</li> </ul>
		<p><b>§300.323 WHEN IEPS MUST BE IN EFFECT</b></p> <ul style="list-style-type: none"> <li>1) At the beginning of each school year, the public agency must have in effect for each child with a disability in its jurisdiction, an IEP as defined in 300.320.</li> <li>2) The public agency will ensure that: <ul style="list-style-type: none"> <li>a) A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services.</li> <li>b) As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child. An IEP will be in effect at the beginning of each school year.</li> </ul> </li> <li>3) For a child aged 2.9-5 years previously served by AzeIP, the IEP team will consider the contents of the child's IFSP. An IFSP may service as the IEP of the child if: <ul style="list-style-type: none"> <li>a) The agency has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;</li> <li>b) The parent and the agency agree in writing to the use of an IFSP;</li> <li>c) The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language and numeric skills; and</li> <li>d) The IFSP is developed in accordance with IEP procedures.</li> </ul> </li> <li>4) The public agency will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider is who responsible for</li> </ul>

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		<p>implementing the IEP.</p> <ul style="list-style-type: none"> <li>a) Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and</li> <li>b) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.</li> </ul> <p>5) For a child with an IEP who transfers into the public agency from another public agency in Arizona, the public agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:</p> <ul style="list-style-type: none"> <li>a) Reviews and adopts the child's IEP from the previous public agency, or</li> <li>b) Develops, adopts, and implements a new IEP.</li> </ul> <p>6) For a child with an IEP who transfers into the public agency from another state, the public agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:</p> <ul style="list-style-type: none"> <li>a) Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and</li> <li>b) Develops, adopts, and implements a new IEP, if appropriate.</li> </ul> <p>7) To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, the public agency will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public agency in which the child was enrolled.</p> <p>8) When a records request is received from another public agency, from either within or outside of Arizona, the agency will promptly respond to the request.</p>
		<p><b>§300.324 DEVELOPMENT, REVIEW AND REVISION OF AN IEP</b></p> <ul style="list-style-type: none"> <li>1) In developing each child's IEP, the IEP team will consider: <ul style="list-style-type: none"> <li>a) The strengths of the child and the concerns of the parents for enhancing the education of their child;</li> <li>b) The results of the initial or most recent evaluation of the child; and</li> <li>c) The academic, developmental, and functional needs of the child.</li> </ul> </li> <li>2) In consideration of special factors, the IEP team must: <ul style="list-style-type: none"> <li>a) In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;</li> <li>b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;</li> <li>c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the</li> </ul> </li> </ul>

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		<p>use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;</p> <p>d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode;</p> <p>e) Consider whether the child requires assistive technology devices and services.</p> <p>3) The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:</p> <p>a) Appropriate positive behavioral interventions and strategies for the child; and</p> <p>b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).</p> <p>4) In making changes to the IEP after the annual IEP meeting, the parent and the agency may agree to amend the IEP without a meeting for the purpose of making those changes and, instead, develop a written document to amend or modify the child's current IEP. The public agency must:</p> <p>a) Inform all members of the child's IEP team of those changes, and</p> <p>b) Upon request, provide the parents with the revised copy of the IEP.</p> <p>5) To the extent possible, the public agency will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child.</p> <p>6) The public agency will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address:</p> <p>a) any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;</p> <p>b) the results of any reevaluation;</p> <p>c) information about the child provided to, or by the parents;</p> <p>d) the child's anticipated needs, or other matters.</p> <p>7) If a participating agency other than the public agency fails to provide the transition services in an IEP, the public agency must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.</p>
		<b>§300.325 PRIVATE SCHOOL PLACEMENTS BY THE PUBLIC AGENCY</b>

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		<ol style="list-style-type: none"> <li>1) Before the public agency places a child with a disability in a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.</li> <li>2) Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the public agency. However, the public agency must ensure that: <ol style="list-style-type: none"> <li>a) The parents and public agency representative are involved in any decisions about the child's IEP; and</li> <li>b) Agree to any proposed changes in the IEP before those changes are implemented.</li> </ol> </li> <li>3) The public agency remains responsible to ensure FAPE to a child placed by the public agency in a private school or facility.</li> </ol>
		<p><b>§300.327 EDUCATIONAL PLACEMENTS</b></p> <p>The public agency must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.</p>